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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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25227	7590	07/06/2006	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			THIER, MICHAEL	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,034

Applicant(s)

SIMAL, JAN

Examiner

Michael T. Thier

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6-9, 14-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Swale et al (5,822,411) in view of Granberg (6,195,543).

Consider claims 1, 9. Swale teaches a system for providing call charge information in a telecommunication link between a calling subscriber (party A, fig. 3) and a called subscriber (party B, fig. 3), comprising a first terminal connected to a first local telecommunication exchange (party A connects to LEC A, fig. 3); and a second terminal connected to a second local telecommunication exchange (party B connects to LEC B, fig. 3), wherein call charges arising for the telecommunication link are determined in the first telecommunication exchange and corresponding call charge information is sent as message to the second telecommunication exchange such that the call charge information is configured for use in real time while the telecommunication link is in existence (col. 5, ln. 28 to col. 6, ln. 40; figs. 2-3). Swale further teaches: Steps 154, 156: exchange A responds to the acceptance by instructing exchange B to set up its

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own Call Detail Record for the call, naming party B as the calling party: this signal [i.e., the instructing signal from exchange A] will contain the necessary number, charge band and timing details as exchange B will not previously have recorded such information.

Exchange B then reacts by creating the Call Detail Record in its own store 13.

(Alternatively, if the network is set up to permit an exchange to create charges for other exchanges, exchange A could set up the new record, as in the case of FIG. 2).

Exchange B only stores the CDR in its own storage 13. However, the charge band is sent from exchange A, as indicated in the cited portion above. The charge band reads on the AoC. However, in order to make the record clear, Granberg is cited below.

Granberg teaches the use of the well-known Advice of Charge (AoC, column(s) 3, line(s) 35 through column(s) 4, line(s) 15) for the purpose of providing AoC service efficiently to mobile subscribers (column(s) 3, line(s) 29-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Granberg into the teachings of Swale for the purpose mentioned above.

Consider claims 6, 14. Swale further teaches the call charge information sent creates a call charge account for the called subscriber in real time (col. 5, ln. 65-67).

Consider claims 7, 15. Swale further teaches the call charge information sent determines a threshold value with respect to an upper limit for the call charges to be taken over by the called subscriber (fig. 3, col. 5, ln. 41 to col. 6, ln. 20).

Consider claims 8, 16. Swale further teaches the call charge information sent indicates the call charges on a display device of the second terminal, while the telecommunication link is in existence (col. 8, ln. 26-34).

3. Claims 2-3, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swale et al (5,822,411) in view of Granberg (6,195,543) as applied to claims 1, 6-9, 14-16 above, and further in view of Lampola (6,668,052).

Consider claims 2, 10. Swale teaches that the call charge information is sent to the second telecommunication exchange (column(s) 6, line(s) 40 to column(s) 7, line(s) 35). However, Swale does not teach that the call charge information is sent to the second telecommunication exchange as APM ISUP message to utilize services and service attributes.

Lampola teaches the use of APM ISUP message in conjunction with call setup from the first exchange to the second exchange (col. 5, ln. 62 to col. 6, ln. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lampola into the teachings of Swale in order to provide a new type of method and system for signaling used for call setup that enable cooperation between different type of networks in a manner transparent to the user, so that the user will perceive it as consistent cooperation regardless of the system to which the terminal equipment is connected.

Consider claims 3, 11. Lampola further teaches the content of the APM ISUP message is determined by APPs (col. 5, ln. 62 to col. 6, ln. 7).

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4. Claims 4-5, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swale et al (5,822,411) in view of Granberg (6,195,543) and Lampola (6,668,052) as applied to claims 1-3, 9-11 above, and further in view of Fabritius et al (6,345,182).

Consider claims 4-5, 12-13. Lampola further teaches the APPs comprise an application-independent part that includes information on the APM ISUP message (col. 5, ln. 62 to col. 6, ln. 7). However, Lampola does not teach that the APPs comprise an application-dependent part that includes information on call charge information.

Fabritius teaches the APPs comprise an application-dependent part that includes information on call charge information (col. 6, ln. 14-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Fabritius into the teachings of Swale in view of Granberg and Lampola in order to provide method and system for the communication of tariff information from an external charge determination point to a mobile switching centre acting as charging point for a called mobile terminal, depending upon the classification of the call.

Response to Arguments

5. Applicant's arguments filed 4/25/2006 have been fully considered but they are not persuasive.

Applicant argues, "...a Call Detail Record cannot be used for providing call charge information in real time or for offering the called subscriber features such as Advice of Charge." Applicant proceeds to argue, "Swale fails to disclose any

real time features offered to the called subscriber (B-party), as required by the claimed invention.”

In response to Applicant's arguments, the examiner respectfully disagrees. As explained in the rejection for claims 1 and 9, “Swale further teaches: Steps 154, 156: exchange A responds to the acceptance by instructing exchange B to set up its own Call Detail Record for the call, naming party B as the calling party: this signal [i.e., the instructing signal from exchange A] will contain the necessary number, charge band and timing details as exchange B will not previously have recorded such information.

Exchange B then reacts by creating the Call Detail Record in its own store 13.

(Alternatively, if the network is set up to permit an exchange to create charges for other exchanges, exchange A could set up the new record, as in the case of FIG. 2).

Exchange B only stores the CDR in its own storage 13. However, the charge band is sent from exchange A, as indicated in the cited portion above. The charge band reads on the AoC. However, in order to make the record clear, Granberg is cited below.” The examiner is asserting that the instruction signal from exchange A to exchange B contains the necessary information to create the Call Detail Record, which information comprises of the necessary number, charge band, and timing details (this is the call charge information sent as messages). This charge band information clearly reads on “call charge information” as cited in the claims, and this information is sent to the second exchange, as also recited in the claims. Therefore, the call detail record is created based on this call charge information sent from the first exchange to the second. The examiner clearly shows in the Swale reference, that call charge information

(i.e. the necessary number, charge band, and timing details) is sent as a message to the second exchange in real time (which is clear from the Swale reference since it happens while the call is in existence, i.e. real time, which shows the real time information offered to the called subscriber, as argues by the Applicant). It is also believed that this charge band reads on the advice of charge (AoC), although to further clarify the rejection the secondary reference Granberg was used to teach this well-known feature of AoC.

Applicant further argues, "Also, there is no disclosure of the determination of threshold values, which are compared to an upper limit for the call charges to be taken over by the called party."

In response to Applicant's arguments, the examiner respectfully disagrees. Dependent claims 7 and 15 recite these limitations as follow, "...call charge information sent determines a threshold value with respect to an upper limit for the call charges to be taken over by the called subscriber." The examiner cited fig. 3, col. 5, ln. 41 to col. 6, ln. 20, which it is shown in column 5 lines 54-59, the call charge information (i.e. the charge band), which is sent to the called subscriber, is determining the threshold for call charges to be taken over by the called subscriber. For example, the call charge information sent has the charge band, or rate of 15 pence per minute. This rate is the threshold with respect to the upper limit (in this example it is 15 pence per minute) for the called subscriber to determining whether or not to accept taking over the call charges.

Applicant further argues, “Since Swale only discloses using Call Detail records, which are generated at the end of a call, Applicant’s respectfully disagree with the Examiner’s assertion that the charge band reads on the AoC parameters in Granberg.”

In response to Applicant’s arguments, the examiner respectfully disagrees. In the previous rejection the examiner asserted that from the Swale reference the charge band clearly read on the AoC, but then continued to explain that to clarify the rejection Granberg was used to show that the limitation of the AoC parameters would have been an obvious variation. The Granberg reference clearly teaches the use of advice of charge (AoC) services in a telecommunications charging system such as the one taught by Swale. As shown in the rejection, the AoC in Granberg makes the services provided more efficient, thus being a desirable modification (motivation from column 3 lines 29-34 of Granberg).

Applicant further argues, “...Nor is there any disclosure of a subscriber credit limit supervision, as required by the claimed invention.”

In response to Applicant’s arguments, the examiner respectfully disagrees. The claimed invention does not specifically require subscriber credit limit supervision since the claims recite the limitation as follows, “...service attributes including at least one of advice of charge and subscriber credit limit supervision...” It is clear from the wording of this limitation that the service attribute can be either an advice of charge or the subscriber credit limit supervision, and as explained earlier the advice of charge (AoC) has been shown.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Thier whose telephone number is (571) 272-2832. The examiner can normally be reached on Monday thru Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

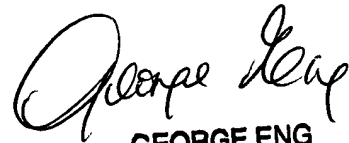
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael T Thier
Examiner
Art Unit 2617

6/27/2006



GEORGE ENG
SUPERVISORY PATENT EXAMINER